

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Jai Chul KIM

Confirmation No.: 7512

Serial No.: 09/920,827

Group Art Unit: 2614

Filed: August 3, 2001

Examiner: Thjuan K. Addy

For: MOBILE TELEPHONE BODY

Customer No.: 34610

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal. The review is requested for the reasons stated below.

The Final Office Action dated July 23, 2008 (hereinafter "Final Office Action") rejected claims 32, 34-36, 39-40, and 42-45 under 35 U.S.C. §103(a) as being unpatentable over Crisp, U.S. Patent No. 7,209,772, in view of Slipy et al. (hereinafter "Slipy"), U.S. Patent No. 5,848,152. The rejection is respectfully traversed.

The claimed features of the present application provide a mobile telephone for which it is possible to change the manner of covering and exposing a button portion thereof so that a user may take advantage of characteristics of respective types of mobile telephones. A mobile telephone according to an exemplary embodiment is shown, for example, in Figure 4 of the present application and includes a telephone body 20 provided with a button portion 22, and interchangeable button covers which may be detachably coupled to the telephone body 20. The

interchangeable button covers are structures for protecting and/or exposing the button portion 22 of the telephone body 20, may be attached to and removed from the mobile telephone, and include a bar type cover, a flip type cover, and a sliding lid type cover. The interchangeable button covers may include a bar unit 30, as shown in Figure 5A, for providing the bar-type cover for a mobile telephone, a flip unit 40, as shown in Figure 5B, for providing the flip-type cover for mobile telephone, or a sliding unit 50, as shown in Figure 5C, for providing the sliding lid-type cover for a mobile telephone. According to embodiments, a user may easily alter the manner of protecting and exposing the button portion of a mobile telephone by mounting one of the units 30, 40, 50 on the telephone body 20 according to the user's preference.

Independent claim 32 recites, *inter alia*, wherein the plurality of interchangeable button covers each further comprise a pair of projections positioned at the upper ends of the frames of the interchangeable button covers to mate with corresponding fixing recesses disposed at upper ends of the plurality of grooves. Independent claim 39 recites, *inter alia*, wherein the pair of grooves each comprises a fixing recess configured to mate with projections provided at the upper ends of the frames of the interchangeable button covers, wherein the fixing recesses are disposed at upper ends of the plurality of grooves. Crisp and Slipy, taken alone or in combination, do not disclose or suggest such features, or the respective claimed combinations of independent claim 32 and 39.

That is, the Examiner acknowledges that "Crisp does not disclose a plurality of interchangeable button covers, each having a frame configured to mate with the plurality of grooves, wherein the pair of interchangeable button covers include[s] a bar type button cover, a flip type button cover, and a slide type button cover, and wherein the button covers are just for covering the button portion." The Examiner then asserts that "Slipy...discloses wherein the

button the plurality of interchangeable button covers (e.g., faceplates) include a bar type cover (see Fig. 1 and face plate 104) and a flip type button cover (see Fig. 10 and key pad cover 418) (therefore, it would have been obvious to include a slide type button cover, as shown in the Crisp reference), and wherein the button covers are just for covering the button portion (see Fig. 10 and key plate cover 418).” The Examiner then concludes that “it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features as part of the mobile telephone, as a way of providing a distinctive user interface appearance for the telephone, thereby giving the telephone one distinctive appearance, of a plurality of distinctive telephone appearance, by allowing the user to change the faceplate/cover and choose other distinctive appearance at a later time.”

However, the Examiner corresponds the recesses 26 shown in Fig. 9 of Crisp with the claimed projections. Crisp discloses a plurality of recesses 26 configured to mate with a plurality of detents 23, as shown in Figs 9 and 10. However, in the Crisp device, the detents 23 are depressed below a surface of a bottom of the groove 20 for disengagement from the recesses 26 to allow the sleeve portion 3 to continue to slide in a chosen direction. Thus, the Crisp disclosed recesses 26 and detents 23 are only for a sleeve type cover. Further, the recesses 26 are provided on the sleeve portion 3, which corresponds to the claimed button covers, while the detents 23 are provided at a lower end of the main body. See Fig. 10 of Crisp. Thus, Crisp does not disclose or suggest a plurality of interchangeable button covers each comprising a pair of projections positioned at upper ends of the frame and configure to mate with corresponding fixing recesses disposed at upper ends of the plurality of grooves.

Further, regarding the Examiner’s comments in the “Response to Arguments” section of the Final Office Action, Applicant disagrees with the Examiner’s arguments (see page 6, lines

6-9 of the Final Office Action). That is, the Examiner states:

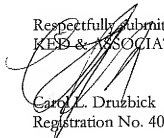
...Examiner respectfully disagrees. For example, Crisp discloses the mobile telephone, wherein the button cover comprises a pair of projections configured to mate with corresponding fixing recesses ([s]ee Fig. 9 and recesses 26) disposed at upper ends of the plurality of grooves ([s]ee col. 5 lines 11-38).

As previously discussed, Crisp fails to disclose or suggest all of the features of the independent claims 32 and 39 including the above features mentioned by the Examiner. As shown in Figs. 9 and 10 and indicated in col. 5, lines 11-38 of Crisp, the detents 23, which the Examiner corresponds to the claimed pair of projections are formed below the surface of the bottom of the groove 20 of the main body 2 (see Fig. 10 of Crisp), not at upper ends of frames of interchangeable button covers, as claimed.

Further, the recesses 26 in Crisp are formed at upper/middle/lower positions on the sleeve portion 3 (see Figure 12 of Crisp), so that the sleeve portion is "caught" in closed, intermediate, and the fully open positions. Thus, the recesses 26 are not disposed at upper ends of the plurality of grooves, as claimed.

For at least these reasons, the rejection of independent claims 32 and 39 over Crisp and Sliply should be withdrawn/reversed. Dependent claims 34-36, 40, and 42-45 are allowable over Crisp and Sliply at least for the reasons discussed above with respect to independent claims 32 and 39, from which they depend, as well as for their added features.

Respectfully submitted,
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Date: October 23, 2008
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